THE HYDERABAD SUPPRESSION OF IMMORAL TRAFFIC ACT, NO. XLIX OF 1952.

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NO. XLIX OF 1952

An Act for the suppression of Brothels and immoral traffic.

Preamble.

WHEREAS it is expedient to make suitable provision for the suppression of brothels and of traffic in women and girls and for other purposes of a like nature in the Hyderabad State ;

IT is hereby enacted as follows :—

Short title.

1. This Act may be called the Hyderabad Suppression of Immoral Traffic Act, 1952.

Extent and commencement.

2. The Government may, from time to time, by notification in the Jarida apply all or any of the provisions of this Act to the whole or any portion of the State of Hyderabad from such date as may be specified in the notification and may cancel or modify any such notification.

Definitions.

3. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "brothel" means any house, room, or place or any part thereof which the occupier or person incharge thereof habitually uses or allows to be used by any other person for the purpose of prostitution ;

(*b*) "Commissioner of Police" means the Commissioner of Police for the cities of Hyderabad and Secunderabad ;

(*c*) "Magistrate" means a salaried Magistrate of the first class inclusive of the Commissioner of Police ;

(*d*) "prescribed" means prescribed by rules made under this Act ;

(*e*) "prostitution" means promiscuous sexual intercourse for hire ;

(*f*) "Superintendent of Police" means a District Superintendent of Police appointed under the Hyderabad

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District Police Act No. X of 1329 Fasli, or any person appointed by the Government to perform the duties of the Superintendent of Police for the purposes of this Act :

(*g*) "Vigilance Home" means a corrective institution established or recognised by the Government, in which women are detained in pursuance of this Act and given such training and instruction and subjected to such disciplinary and moral influences as will conduce to their reformation and the prevention of offences under this Act.

Punishment for keeping a brothel or allowing premises to be used as a brothel.

4. (1) Any person who keeps or manages or acts or assists in the management of a brothel shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both.

(2) Any person who,

(*a*) being the tenant, lessee, occupier, or person in-charge of any premises, knowingly permits such premises or any part thereof to be used as a brothel ; or

(*b*) being the lessor or landlord of any premises, or the agent of such lessor or landlord, lets the same, or any part thereof, to any person convicted under sub-section (1) or clause (*a*) of this sub-section with the knowledge that such premises or some part thereof are or is to be used as a brothel, or is wilfully a party to the use of such premises, or any part thereof, as a brothel ; shall be punished with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees or with both.

(3) Notwithstanding anything contained in any other law for the time being in force, the owner or lessor of any house, room or place, in respect of which the lessee, tenant or occupier thereof has been convicted under clause (*a*) of sub-section (2) shall be entitled forthwith to determine such lease, tenancy or occupation.

Removal and disposal of minor girls from brothels, etc.

5. (1) Where a Magistrate has reason to believe from a report made to him by a police officer or otherwise, that a girl, apparently under the age of 18 years is living, or is carrying on, or is being made to carry on the business of prostitution in a brothel, disorderly house, or place of

assignation, he may issue an order to a police officer not below the rank of an Inspector specially authorised in writing in this behalf by the Commissioner of Police, or by the Superintendent of Police, as the case may be, to enter into such brothel, disorderly house or place of assignation and to remove therefrom such girl; and thereupon such police officer shall have the power to enter into such brothel, disorderly house or place of assignation, and shall be entitled to remove forthwith from such brothel, disorderly house or place of assignation, such girl and any other girl found therein if, in his opinion, she is under the age of 18 years and is living, or is carrying on or being made to carry on the business of prostitution, in such brothel, disorderly house or place of assignation.

(2) A girl who has been so removed shall be brought before a Court established under section 40 of the Hyderabad Children Act, 1951, or where no such Court has been established before a Court sitting in the manner specified in sub-section (2) of that section and the Court shall cause an inquiry to be made and if satisfied that the girl is under 18 years of age and that she should be dealt with, may make an order that such girl be placed until she attains the age of 21 years or for any shorter period in a rescue home or in such other custody as the Court, for reasons to be stated in writing shall consider suitable, provided that such custody shall not be that of a person or body of different religious persuasion from that of the girl.

(3) For the determination of the question whether a girl produced before a Court under provisions of this section is under 18 years of age, the Court shall make due enquiry as to the age of that girl and for that purpose shall take such evidence as may be forthcoming at the hearing of the case, but an order or judgement of the Court shall not be invalidated by subsequent proof that the age of that girl has not been correctly determined by the Court, and the age determined by the Court to be the age of the girl, for the purposes of this section shall be deemed to be the true age of that girl and no Court shall in appeal or revision interfere with any determination as to age made under this section.

Intermediate custody of girl removed from brothel, etc.

6. When a girl has been removed from a brothel or disorderly house or place of assignation under the provisions of sub-section (1) of section 5 the police officer carrying out the removal shall, until such girl can be brought before the Court immediately cause her to be detained in a rescue home or in such other suitable custody (other than a police station or jail) as may be prescribed in this behalf by the Government, provided however that such custody shall not be that of a person or body of a different religious persuasion from that of the girl.

Subsequent treatment of girl committed to suitable custody under section 5 (2).

7. When an order that a girl be placed in suitable custody has been passed under sub-section (2) of section 5, the provisions of the Hyderabad Children Act, 1951, shall, subject to such modifications as the Government may prescribe by rules made under section 17, and notwithstanding her age, thereafter apply to the case of such girl during the period of the said order as if she were a child or young person dealt with under section 31 of the Hyderabad Children Act, 1951.

Punishment for living on the earnings of Prostitution.

8. (1) Any person not below the age of eighteen years who knowingly lives, wholly or in part, on the earnings of the prostitution of another person shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both.

(2) Where any person is proved—

(*a*) to be living with, or to be habitually in the company of, a person living in prostitution, or

(*b*) to have exercised control, direction or influence over the movements of a person living in prostitution in such a manner as to show that such person is aiding, abetting or compelling her prostitution with any other person or generally, it shall be presumed until the contrary is proved that such person is knowingly living on the earnings of the prostitution of another within the meaning of sub-section (1) :

Provided that the mother, or a son or daughter of a person living in prostitution shall not be punished under sub-section (1) for living on the earnings of such person unless it is proved to the satisfaction of the Court

that such mother, son or daughter is aiding, abetting, or compelling her prostitution.

(3) Notwithstanding anything contained in section 2, this section shall not be applied except to the Cities of Hyderabad and Secunderabad or municipality constituted under the Hyderabad Municipal and Town Committees Act, 1951, or an area situated within three miles of the limits of such cities or municipality.

Importing woman or girl for prostitution.

9. Any person who takes or attempts to take or causes to be taken from one place to another any woman or girl with a view to her carrying on or being brought up to carry on the business of prostitution or causes or induces any woman or girl to carry on the business of prostitution shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both.

Detention for prostitution in brothel or with intent.

10. (1) Any person who detains any woman or girl against her will

(*a*) in any house, room or place in which the business of prostitution is carried on, or

(*b*) in or upon any premises with intent that she may have sexual intercourse with any man other than her lawful husband

shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both.

(2) A person shall be presumed to detain a woman or girl who is in any house, room or place in which the business of prostitution is carried on, or in or upon any premises for the purposes of sexual intercourse with a man other than her lawful husband, if such person, with intent to compel or induce her to remain there,

(*a*) withholds from her any jewellery, wearing apparel or other property belonging to her, or

(*b*) threatens her with legal proceedings if she takes away with her any jewellery or wearing apparel lent or supplied to her by the direction of such person.

(3) Notwithstanding any law to the contrary such a woman or girl shall not be liable to be proceeded against civilly or criminally for taking away or being found in

possession of any jewel, wearing apparel, money or other property alleged to have been lent or supplied to or to have been pledged by such woman or girl by or to the person by whom she has been detained.

Procuration.

11. Any person who induces a woman or girl to go from any place with intent that she may, for the purposes of prostitution, become the inmate of or frequent a brothel, shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both.

Soliciting for purposes of prostitution.

12. Whoever,

(1) in any street or public place, solicits any person for the purpose of prostitution, in such manner as to cause obstruction, annoyance or danger to the residents or passengers, or to offend public decency, or

(2) frequents such street or public place for the purpose of prostitution or of solicitation, so as to constitute a nuisance, or to offend against public decency,

shall be punished, with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees, or with both.

Detention in Vigilance Home.

13, (1) Where a Magistrate convicting any woman of an offence punishable under section 12 finds that she has not attained the age of thirty years, he may, in lieu of passing a sentence of imprisonment under that section, pass a sentence of detention in a Vigilance Home for a term which shall not be less than two years or more than five years.

(2) Where a Magistrate has arrived at a finding regarding the age of a woman dealt with by him under sub-section (1), such age shall, for the purpose of that sub-section, be deemed to be her true age, and no order or Judgement of the Magistrate shall be deemed to be invalid or be liable to be interfered with in appeal or revision on the ground that her age had not been correctly determined by the Magistrate.

(3) For the purposes of appeal and revision under the Code of Criminal Procedure, 1898, a sentence of detention for any period passed under sub-section (1) shall be

deemed to be a sentence of imprisonment for the like period.

Arrest without a warrant.

14. (I) Any police officer not below the rank of Inspector may arrest without a warrant any person who has been concerned in any offence punishable under sections 4, 8, 9, 10, 11 or 12, or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been concerned in any such offence :

Provided that a person concerned or alleged or suspected to be concerned in an offence punishable under section 12 shall be arrested under this section only if the name and address of such person be unknown to the police officer and cannot be ascertained by him then and there, or if he has reason to suspect that a false name and address have been given.

(2) Any police officer authorised in this behalf in writing by the Commissioner of Police or the Superintendent of Police by special order, may arrest without a warrant any person committing in his view any offence punishable under sections 9, 10 or 12, if the name and address of such person be unknown to such police officer and cannot be ascertained by him then and there, or if he has reason to suspect that a false name and address have been given.

Power to enter premises.

15. (1) Notwithstanding anything contained in any other law for the time being in force, any police officer not below the rank of Inspector, and any other police officer authorised in this behalf in writing by the Commissioner of Police or the Superintendent of Police by special order, may for the purpose of ascertaining whether an offence punishable under sections 4, 8, 9, 10, 11 or 12 has been or is being committed, enter without a warrant any premises in which he has reason to believe that any woman or girl is living in respect of whom an offence punishable under sections 4, 8, 9, 10, 11 or 12 has been or is being committed.

(2) Any police officer entering any premises under sub-section (1) shall be entitled to remove therefrom any girl if, in his opinion, she is under the age of 18 years and is carrying on or being made to carry on the business of prostitution in such premises. All the

provisions of this Act shall apply in regard to any girl so removed as if she had been removed under sub-section (1) of section 5.

Trial of offences.

16. No Court inferior to that of a Magistrate as defined in clause (*c*) of section 3 shall try offences under sections 4, 8, 9, 10, 11 or 12 :

Provided that notwithstanding anything contained in clause (*c*) of section 3, the Commissioner of Police shall not be deemed to be a Magistrate for the purpose of this section.

Power of Government to make rules.

17. (1) The Government may make rules—

(*a*) for the care, treatment, instruction and the maintenance of girls placed in a rescue home or homes or other suitable custody under sub-section (2) of section 5 ;

(*b*) for the detention of girls under the provisions of section 6, subject to the restriction that no girl shall be detained in the custody of a person or body of a different religious persuasion from that of the girl ;

(*c*) for the purpose of carrying into effect the provisions of section 13 and in particular, and without prejudice to the generality of this power, with regard to :—

(*i*) the management of Vigilance Homes and the appointment, powers and duties of officials in such Homes ;

(*ii*) the care, treatment, maintenance, training, instruction and control of the inmates of such Homes ;

(*iii*) visits to and communications with, such inmates ;

(*iv*) the temporary detention of women sentenced to detention in Vigilance Homes until arrangements are made for sending them to such Homes, provided that no woman shall be detained in the custody of any person or body of a religious persuasion different from hers ;

(*v*) the transfer of women from one Vigilance Home to another ;

(*vi*) the transfer from Vigilance Homes to prisons of women found to be incorrigible or exercising

a bad influence and the period of their detention in such prisons, provided that such period shall not exceed one year ;

(*vii*) the transfer to Vigilance Homes of women sentenced under section 12 and the period of their detention in such Homes.

(*viii*) the discharge of inmates from Vigilance Homes either absolutely or subject to conditions, and their arrest in the event of a breach of such conditions ;

(*ix*) the grant of permission to inmates to absent themselves for short periods ; and

(*x*) the applications of the provisions of the Hyderabad Prisons Act No. IV of 1317 Fasli and the rules made under the Act to Vigilance Homes and to their inmates, subject to such adaptations, alterations and exceptions as may be specified.

(2) In making any rule under clause (*c*) the Government may provide that a breach thereof shall be punishable with fine which may extend to one hundred rupees.

18. Save as expressly provided in this Act, the provisions thereof shall be in addition to and not in derogation of any other law for the time being in force. Savings.